



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

May 21, 2020

The Honorable Charles E. Schumer
United State Senate
322 Hart Senate Office Building
Washington, DC 20510-0001

Dear Senator Schumer:

Thank you for your May 1, 2020 letter to U.S. Environmental Protection Agency (EPA) Administrator Wheeler regarding the Norlite LLC facility in Cohoes, New York. In your letter, you call on EPA Region 2 to conduct soil and water testing to verify the results of Bennington College's recently announced data, which reported elevated levels of Per- and polyfluoroalkyl substances (PFAS) compounds in the soil and water near the Norlite facility.

For the soil and water testing you requested, you asked that the testing area include locations in and around the Saratoga Housing Complex, which is overseen by our partners at the Department of Housing and Urban Development (HUD). I understand you have also reached out to HUD Secretary Ben Carson on this matter. We are coordinating with our HUD counterparts here in the Region, along with our partners at the New York State Department of Environmental Conservation (NYSDEC), to determine the best path forward.

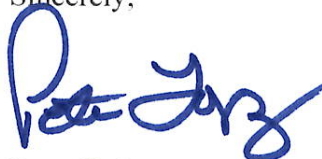
The NYSDEC took a close look at the data released by Bennington College. After experts assessed the data, NYSDEC responded to the authors of the study, noting in part that "the study did not find a pattern of suggested (Aqueous Film-Forming Foam) AFFF contamination," and they "found no evidence of PFAS being higher than regional background in the Cohoes community." For your information, we are attaching the detailed NYSDEC assessment of the Bennington data to this response. While EPA is still discussing with NYSDEC what actions by the state or EPA in response to the limited sampling from Bennington College are appropriate, we do agree with NYSDEC's conclusions. For example, we do note that there are background levels of PFAS compounds in soil across New York State and across the country, with a considerable number and variety of possible sources of PFAS compounds. Indeed, there are multiple potential sources of PFAS in the Cohoes, NY area within a few miles of the Norlite facility, including several paper mills, a textile facility, and plastic and electronic processing facilities.

In addition, EPA is in active discussions with NYSDEC about how best to lend technical expertise through our Office of Research and Development to further explore the effectiveness and efficiency of incinerating Aqueous Film Forming Foam at this facility. It is our understanding that AFFF incineration is not currently occurring at the facility and we will be discussing with NYSDEC when and how we might be of assistance in the future, working closely with the local government. These discussions are ongoing. We will update you when we identify appropriate action that we or our partners may take. Any action will first involve coordination with the local government and, of course, the surrounding community.

In a matter unrelated to incineration of PFAS compounds or recent concerns voiced regarding the incineration of firefighting foam, EPA has settled a case against Norlite, LLC to resolve past violations of the Clean Air Act in regards to the testing of their hazardous waste combustor (HWC) emissions and setting of operating parameter limits at its Cohoes, NY facility. The facility was found to be violating EPA's HWC Maximum Achievable Control Technology (MACT) requirements. EPA has been monitoring the facility's actions as it came into compliance with these requirements and the settlement announced today requires the payment of \$150,000 for the past violations. The violations stemmed from an HWC requirement that a Comprehensive Performance Test (CPT) be conducted every five years. Norlite, however, had been alternating the kilns for which they conducted these performance tests during each five-year cycle. As such, each kiln was only tested once every 10 years. Pursuant to EPA's 2016 order, Norlite conducted a performance test on Kiln 1 in December 2017 which demonstrated compliance with HWC limits for that kiln.

As a former New York State Assemblyman, I truly appreciate your strong advocacy on behalf of the communities and constituents you serve. I share your concerns for the safety and health of our residents and the environment, and take very seriously people's concerns, like those expressed about the Norlite facility. If you have further questions on any of the information provided, please do not hesitate to contact me directly at (212) 637-5000 or have your staff contact Sabina Byck, Chief of our Intergovernmental and Community Affairs Branch at (212) 637-3574 or byck.sabina@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Lopez", with a stylized flourish at the end.

Peter D. Lopez
Regional Administrator

Senator - Hope
all is well with
you + yours.